

103D CONGRESS
1ST SESSION

S. 860

To establish a new educational assistance program for veterans who served during the Persian Gulf war and to make benefits under that program comparable to those provided to veterans of other wars, to provide comparability between the Persian Gulf war educational assistance program and the educational assistance program provided under chapter 30 of title 38, United States Code, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30 (legislative day, APRIL 19), 1993

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To establish a new educational assistance program for veterans who served during the Persian Gulf war and to make benefits under that program comparable to those provided to veterans of other wars, to provide comparability between the Persian Gulf war educational assistance program and the educational assistance program provided under chapter 30 of title 38, United States Code, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SHORT TITLE

2 SECTION 1. This Act may be cited as the “Combat
3 Era Servicepersons’ Readjustment Act of 1993”.

4 FINDINGS AND DECLARATIONS

5 SEC. 2. (a) The Congress finds that—

6 (1) the members of the Active, Reserve, and
7 National Guard Forces of the United States carried
8 out their responsibilities in Operations Desert Shield
9 and Desert Storm in an exemplary manner;

10 (2) the men and women who served in the
11 Armed Forces during the Persian Gulf war deserve
12 a comprehensive program of veterans’ benefits, as
13 provided by a grateful Nation, no less than their
14 forebears who served during World War II and the
15 Korean and Vietnam wars;

16 (3) the benefits currently provided through the
17 Department of Veterans Affairs and other Federal
18 agencies were established in some instances to ad-
19 dress specific needs or purposes related to peacetime
20 military service;

21 (4) the veterans of World War II, and the Ko-
22 rean and Vietnam wars, received proportionally more
23 educational assistance and readjustment assistance
24 than currently is available for Persian Gulf war vet-
25 erans under chapter 30 of title 38, United States
26 Code; and

1 (5) the members of the Armed Forces who
 2 served during the Persian Gulf war are now entitled
 3 to educational assistance benefits at least equivalent
 4 to those received by veterans of previous wars.

5 (b) The Congress therefore declares that the purpose
 6 of this Act is to provide, on behalf of a grateful Nation,
 7 educational assistance benefits to individuals who served
 8 during the Persian Gulf war which are comparable to
 9 those benefits provided to veterans of other wars, to estab-
 10 lish educational assistance programs that are adequate to
 11 ensure a high degree of participation by eligible veterans,
 12 and to provide for comparability of benefits under the
 13 Montgomery GI Bill.

14 PERSIAN GULF WAR EDUCATIONAL ASSISTANCE PROGRAM

15 SEC. 3. (a)(1) Title 38, United States Code, is
 16 amended by inserting after chapter 43 the following new
 17 chapter:

18 **“CHAPTER 44—PERSIAN GULF WAR**
 19 **EDUCATIONAL ASSISTANCE PROGRAM**

“SUBCHAPTER I—PURPOSE—DEFINITIONS

“Sec.

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“2102. Definitions.

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- “2130. Educational assistance allowance.
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- “2132. Approval of courses.
- “2133. Apprenticeship or other on-job training; correspondence courses.
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“SUBCHAPTER V—ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

- “2140. Purpose.
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- “2142. Tutorial assistance.
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“SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS

- “2151. Bar to duplication of educational assistance benefits.
- “2152. Allocation of administration and of program costs.
- “2153. Reporting requirement.

1 “SUBCHAPTER I—PURPOSE—DEFINITIONS

2 **“§ 2101. Purpose**

3 “The Congress of the United States hereby declares
 4 that the educational assistance program created by this
 5 chapter is for the purpose of (1) providing veterans who
 6 served on active duty during the Persian Gulf war with
 7 educational assistance benefits comparable to those en-
 8 joyed by their forebears who served in other wars, (2) ex-
 9 tending the benefits of a higher education to qualified and
 10 deserving young persons who might not otherwise be able
 11 to afford such an education, (3) providing vocational read-
 12 justment and restoring lost educational opportunities to
 13 those service men and women whose careers have been in-

1 interrupted or impeded by reason of active duty during the
2 Persian Gulf war, and (4) aiding such persons in attaining
3 the vocational and educational status which they might
4 normally have aspired to and obtained had they not served
5 their country.

6 **“§ 2102. Definitions**

7 “For the purposes of this chapter and chapter 36 of
8 this title:

9 “(a) The term ‘incremental costs associated with Op-
10 eration Desert Storm’ means costs referred to in section
11 251(b)(2)(D)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

13 “(b) The term ‘Persian Gulf war’ means the period
14 beginning on August 2, 1990, and ending thereafter on
15 the date prescribed by Presidential proclamation or by
16 law.

17 “(c)(1) The term ‘eligible veteran’ means any veteran
18 who—

19 “(A) served on active duty for a period of more
20 than 90 days during the Persian Gulf war, and was
21 discharged or released therefrom under conditions
22 other than dishonorable; or

23 “(B) contracted with the Armed Forces and
24 was enlisted in or assigned to a reserve component
25 (including the Army National Guard of the United

1 States and the Air National Guard of the United
2 States) prior to August 2, 1990, and as a result of
3 such enlistment or assignment served during the
4 Persian Gulf war on active duty, any part of which
5 commenced within 12 months after August 1, 1990,
6 and was discharged or released from such active
7 duty under conditions other than dishonorable; or

8 “(C) was discharged or released from active
9 duty, any part of which was performed during the
10 Persian Gulf war, or following entrance into active
11 service from an enlistment or assignment provided
12 for under subparagraph (B) of this paragraph, be-
13 cause of a service-connected disability.

14 “(2) The requirement of discharge or release, pre-
15 scribed in paragraph (1)(A) or (B), shall be waived in the
16 case of any individual who served more than 90 days in
17 an active-duty status for so long as such individual contin-
18 ues on active duty without a break therein.

19 “(3) For purposes of paragraph (1)(A) and section
20 2110(a), the term “active duty” does not include any pe-
21 riod during which an individual (A) was assigned full time
22 by the Armed Forces to a civilian institution for a course
23 of education which was substantially the same as estab-
24 lished courses offered to civilians, (B) served as a cadet
25 or midshipman at one of the service academies, or (C)

1 served under the provisions of section 511(d) of title 10
2 pursuant to an enlistment in the Army National Guard
3 or the Air National Guard or as a Reserve for service in
4 the Army Reserve, Naval Reserve, Air Force Reserve, Ma-
5 rine Corps Reserve, or Coast Guard Reserve unless at
6 some time subsequent to the completion of such period of
7 active duty for training such individual served on active
8 duty for a consecutive period of 90 days or more during
9 the Persian Gulf war (not including any service as a cadet
10 or midshipman at one of the service academies).

11 “(d) The term ‘program of education’ means any cur-
12 riculum or any combination of unit courses or subjects
13 pursued at an educational institution which is generally
14 accepted as necessary to fulfill requirements for the at-
15 tainment of a predetermined and identified educational,
16 professional, or vocational objective. Such term also means
17 any curriculum of unit courses or subjects pursued at an
18 educational institution which fulfill requirements for the
19 attainment of more than one predetermined and identified
20 educational, professional, or vocational objective if all the
21 objectives pursued are generally recognized as being rea-
22 sonably related to a single career field. Such terms also
23 means any unit course or subject, or combination of
24 courses of subjects, pursued by an eligible veteran at an
25 educational institution required by the Administrator of

1 the Small Business Administration as a condition to ob-
2 taining financial assistance under the provisions of section
3 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1)).

4 “(e) The term ‘educational institution’ means any
5 public or private elementary school, secondary school, vo-
6 cational school, correspondence school, business school,
7 university, or scientific or technical institution, or other
8 institution furnishing education for adults.

9 “(f) The term ‘dependent’ means—

10 “(1) a child of an eligible veteran;

11 “(2) a dependent parent of an eligible veteran;

12 and

13 “(3) the spouse of an eligible veteran.

14 “(g) The term ‘training establishment’ means any es-
15 tablishment providing apprentice or other training on the
16 job, including those under the supervision of a college or
17 university or any State department of education, or any
18 State apprenticeship agency, or vocational education, or
19 any joint apprenticeship committee, or the Bureau of Ap-
20 prenticeship and Training established pursuant to chapter
21 4C of title 29, or any agency of the Federal Government
22 authorized to supervise such training.

23 “(h) The term ‘institution of higher learning’ means
24 a college, university, or similar institution, including a
25 technical or business school, offering postsecondary level

1 academic instruction that leads to an associate or higher
2 degree if the school is empowered by the appropriate State
3 education authority under State law to grant an associate
4 or higher degree. When there is no State law to authorize
5 the granting of a degree, the school may be recognized
6 as an institution of higher learning if it is accredited for
7 degree programs by a recognized accrediting agency. Such
8 term shall also include a hospital offering educational pro-
9 grams at the postsecondary level without regard to where
10 the hospital grants a postsecondary degree. Such term
11 shall also include an educational institution which is not
12 located in a State, which offers a course leading to a
13 standard college degree, or the equivalent, and which is
14 recognized as such the secretary of education (or com-
15 parable official) of the country or other jurisdiction in
16 which the institution is located.

17 “(i) The term ‘standard college degree’ means an as-
18 sociate or higher degree awarded by (1) an institution of
19 higher learning that is accredited as a collegiate institu-
20 tion by a recognized regional or national accrediting agen-
21 cy; (2) an institution of higher learning that is a ‘can-
22 didate’ for accreditation as that term is used by the re-
23 gional or national accrediting agencies; or (3) an institu-
24 tion of higher learning upon completion of a course which
25 is accredited by an agency recognized to accredit special-

1 ized degree-level programs. For the purpose of this sec-
2 tion, the accrediting agency must be one recognized by the
3 Secretary of Education under the provisions of section
4 1775 of this title.

5 “SUBCHAPTER II—ELIGIBILITY AND
6 ENTITLEMENT

7 “§ 2110. **Eligibility; entitlement; duration**

8 “(a) Except as provided in the second sentence of this
9 subsection, each eligible veteran shall be entitled to edu-
10 cational assistance under this chapter or chapter 36 for
11 a period of 36 months (or the equivalent thereof in part-
12 time educational assistance). If an eligible veteran has
13 served a continuous period of 18 months or more on active
14 duty after August 1, 1990, and has been released for such
15 service under conditions that would satisfy the veteran’s
16 active duty obligations, the veteran shall be entitled to
17 educational assistance under this chapter for a period of
18 45 months (or the equivalent thereof in part-time edu-
19 cational assistance). In the case of any person serving on
20 active duty on the date that the period of the Persian Gulf
21 war is ended by Presidential proclamation or by law, or
22 a person whose eligibility is based on section
23 2102(d)(1)(B) of this chapter, the ending date for com-
24 puting such person’s entitlement shall be the date of such

1 person's first discharge or release from active duty after
2 the ending date of such Persian Gulf war.

3 “(b) Whenever the period of entitlement under this
4 section of an eligible veteran who is enrolled in an edu-
5 cational institution regularly operated on the quarter or
6 semester system ends during a quarter or semester, such
7 period shall be extended to the termination of such
8 unexpired quarter or semester. In educational institutions
9 not operated on the quarter or semester system, whenever
10 the period of eligibility ends after a major portion of the
11 course is completed such period shall be extended to the
12 end of the course or for 12 weeks, whichever is the lesser
13 period.

14 “(c) Except as provided in subsection (b) and in sub-
15 chapter V of this chapter, no eligible veteran shall receive
16 educational assistance under this chapter in excess of 45
17 months.

18 **“§ 2111. Time limitations for completing a program of**
19 **education**

20 “(a)(1) Subject to paragraph (4) of this subsection,
21 no educational assistance shall be afforded an eligible vet-
22 eran under this chapter beyond the date 10 years after
23 the veteran's last discharge or release from active duty
24 after August 2, 1990; except that, in the case of any eligi-
25 ble veteran who was prevented from initiating or complet-

1 ing such veteran's chosen program of education with such
2 time period because of a physical or mental disability
3 which is not the result of such veteran's own willful mis-
4 conduct, such veteran shall, upon application made within
5 1 year after the last date of the delimiting period other-
6 wise applicable under this section, or the termination of
7 the period of such mental or physical disability, whichever
8 is the latest, be granted an extension of the applicable de-
9 limiting period for such length of time as the Secretary
10 determines, from the evidence, that such veteran was so
11 prevented from initiating or completing such program of
12 education. When an extension of the applicable delimiting
13 period is granted a veteran under the preceding sentence,
14 the delimiting period with respect to such veteran will
15 again begin running on the first day following such veter-
16 an's recovery from such disability on which it is reasonably
17 feasible, as determined in accordance with regulations
18 which the Secretary shall prescribe, for such veteran to
19 initiate or resume pursuit of a program of education with
20 educational assistance under this chapter.

21 “(2)(A) Notwithstanding the provisions of paragraph
22 (1) of this subsection, any veteran shall be permitted to
23 use any such veteran's unused entitlement under section
24 2110 of this title for the purpose of eligibility for an edu-
25 cation loan, pursuant to the provisions of subchapter III

1 of chapter 36 of this title, after the delimiting date other-
2 wise applicable to such veteran under such program (1),
3 if such veteran was pursuing an approved program of edu-
4 cation on a full-time basis at the time of the expiration
5 of such veteran's eligibility.

6 “(B) Notwithstanding any other provision of this
7 chapter or chapter 36 of this title, any veteran whose de-
8 limiting period is extended under subparagraph (a) of this
9 paragraph may continue to use any unused loan entitle-
10 ment under this paragraph as long as the veteran contin-
11 ues to be enrolled on a full-time basis in pursuit of the
12 approved program of education in which such veteran was
13 enrolled at the time of expiration of such veteran's eligi-
14 bility (i) until such entitlement is exhausted, (ii) until the
15 expiration of the delimiting date otherwise applicable to
16 such veteran under paragraph (1) of this subsection, or
17 (iii) until such veteran has completed the approved pro-
18 gram of education which such veteran was enrolled at the
19 end of the delimiting period referred to in paragraph (1)
20 of this subsection, whichever occurs first.

21 “(3)(A) Subject to subparagraph (C) of this para-
22 graph and notwithstanding the provisions of paragraph
23 (1) of this subsection, an eligible veteran who served on
24 active duty during the Persian Gulf war shall be permitted

1 to use any of such veteran's unused entitlement under sec-
2 tion 2110 of this title for the purpose of pursuing—

3 “(i) a program of apprenticeship or other on-job
4 training;

5 “(ii) a course with an approved vocational ob-
6 jective; or

7 “(iii) a program of secondary education, if the
8 veteran does not have a secondary school diploma
9 (or an equivalency certificate).

10 “(B) Upon completion of a program or course pur-
11 sued by virtue of eligibility provided by this paragraph,
12 the Secretary shall provide the veteran with such employ-
13 ment counseling as may be necessary to assist the veteran
14 in obtaining employment consistent with the veteran's
15 abilities, aptitudes, and interests.

16 “(C)(i) Educational assistance shall be provided a
17 veteran for pursuit of a program or course described in
18 clause (i) or (ii) of subparagraph (A) of this paragraph
19 using eligibility provided by this paragraph unless the Sec-
20 retary determines, based on an examination of the veter-
21 an's employment and training history, that the veteran is
22 not in need of such a program or course in order to obtain
23 a reasonably stable employment situation consistent with
24 the veteran's abilities and aptitudes. Any such determina-

1 tion shall be made in accordance with regulations which
2 the Secretary shall prescribe.

3 “(ii) Educational assistance provided a veteran for
4 pursuit of a program described in clause (iii) of subpara-
5 graph (A) of this paragraph using eligibility provided by
6 this paragraph shall be provided at the rate determined
7 under section 2141(b)(2) of this title.

8 “(D) Educational assistance may not be provided by
9 virtue of this paragraph after a date to be determined by
10 the Secretary, pursuant to regulations which the Secretary
11 shall prescribe.

12 “(4) For purposes of paragraph (1) of this sub-
13 section, a veteran’s last discharge or release from active
14 duty shall not include any discharge or release from a pe-
15 riod of active duty of less than 90 days of continuous serv-
16 ice unless the individual involved is discharged or released
17 for a service-connected disability, for a medical condition
18 which preexisted such service and which the Secretary de-
19 termines is not service connected, for hardship, or as a
20 result of a reduction in force as described in section
21 1411(a)(1)(A)(ii)(III) of this title.

22 “(b) In the case of any eligible veteran who has been
23 prevented, as determined by the Secretary, from complet-
24 ing a program of education under this chapter within the
25 period prescribed by subsection (a), because the veteran

1 had not met the nature of discharge requirements of this
2 chapter before a change, correction, or modification of a
3 discharge or dismissal made pursuant to section 1553 of
4 title 10, the correction of the military records of the proper
5 service department under section 1552 of title 10, or other
6 corrective action by competent authority, then the 10-year
7 delimiting period shall run from the date the veteran's dis-
8 charge or dismissal was changed, corrected, or modified.

9 “(c) In the case of any veteran (1) who served on
10 or after August 2, 1990, (2) who became eligible for edu-
11 cational assistance under the provisions of this chapter or
12 chapter 36 of this title, and (3) who, subsequent to the
13 veteran's last discharge or release from active duty, was
14 captured and held as a prisoner of war by a foreign gov-
15 ernment or power, there shall be excluded, in computing
16 the veteran's 10-year period of eligibility for educational
17 assistance, any period during which the veteran was so
18 detained and any period immediately following the veter-
19 an's release from such detention during which the veteran
20 was hospitalized at a military, civilian, or Department of
21 Veterans Affairs medical facility.

22 “(d) No educational assistance shall be afforded any
23 eligible veteran under this chapter or chapter 36 of this
24 title after a date to be determined by the Secretary, pursu-
25 ant to regulations which the Secretary shall prescribe.

1 **“§ 2112. Educational and vocational counseling**

2 “The Secretary shall make available to any eligible
3 veteran, upon such veteran’s request, counseling services,
4 including such educational and vocational counseling and
5 guidance, testing, and other assistance as the Secretary
6 deems necessary to aid such veteran in selecting (1) an
7 educational or training objective and an educational insti-
8 tution or training establishment appropriate for the at-
9 tainment of such objective, or (2) an employment objective
10 that would be likely to provide such veteran with satisfac-
11 tory employment opportunities in light of such veteran’s
12 personal circumstances. In any case in which the Sec-
13 retary has rated the veteran as being incompetent, such
14 counseling shall be required to be provided to the veteran
15 prior to the selection of a program of education or train-
16 ing. At such intervals as the Secretary shall make avail-
17 able information respecting the need for general education
18 and for trained personnel in the various crafts, trades, and
19 professions. Facilities of other Federal agencies collecting
20 such information shall be utilized to the extent the Sec-
21 retary deems practicable. The Secretary shall take appro-
22 priate steps (including individual notification where fea-
23 sible) to acquaint all eligible veterans with the availability
24 and advantages of such counseling services.

1 “SUBCHAPTER III—ENROLLMENT

2 **“§ 2120. Selection of program**

3 “Subject to the provisions of this chapter, each eligi-
4 ble veteran may select a program of education to assist
5 the veteran in attaining an educational, professional, or
6 vocational objective at any educational institution (ap-
7 proved in accordance with chapter 36 of this title) selected
8 by the veteran, which will accept and retain the veteran
9 as a student or trainee in any field or branch of knowledge
10 which such institution finds the veteran qualified to under-
11 take or pursue.

12 **“§ 2121. Applications; approval**

13 “Any eligible veteran, or any person on active duty
14 (after consultation with the appropriate service education
15 officer), who desires to initiate a program of education
16 under this chapter shall submit an application to the Sec-
17 retary which shall be in such form, and contain such infor-
18 mation, as the Secretary shall prescribe. The Secretary
19 shall approve such application unless the Secretary finds
20 that (1) such veteran or person is not eligible for or enti-
21 tled to the educational assistance for which application is
22 made, (2) the veteran’s or person’s selected educational
23 institution or training establishment fails to meet any re-
24 quirement of this chapter or chapter 36 of this title, (3)
25 the veteran’s or person’s enrollment in, or pursuit of, the

1 program of education selected would violate any provision
2 of this chapter or chapter 36 of this title, or (4) the vet-
3 eran or person is already qualified, by reason of previous
4 education or training, for the educational, professional, or
5 vocational objective for which the program of education
6 is offered. The Secretary shall notify the veteran or person
7 of the approval or disapproval of the veteran's or person's
8 application.

9 **“§ 2122. Disapproval of enrollment in certain courses**

10 “(a) The Secretary shall not approve the enrollment
11 of an eligible veteran in—

12 “(1) any bartending course or personality devel-
13 opment course;

14 “(2) any sales or sales management course
15 which does not provide specialized training within a
16 specific vocational field;

17 “(3) any type of course which the Secretary
18 finds to be avocational or recreational in character
19 (or the advertising for which the Secretary finds
20 contains significant avocational or recreational
21 themes) unless the veteran submits justification
22 showing that the course will be of bona fide use in
23 the pursuit of the veteran's present or contemplated
24 business or occupation; or

1 “(4) any independent study program except one
2 leading to a standard college degree.

3 “(b) The Secretary shall not approve the enrollment
4 of an eligible veteran in any course of flight training other
5 than one given by an educational institution of higher
6 learning for credit toward a standard college degree the
7 eligible veteran is seeking.

8 “(c) The Secretary shall not approve the enrollment
9 of an eligible veteran in any course to be pursued by radio
10 or by open circuit television, except that the Secretary may
11 approve the enrollment of an eligible veteran in a course,
12 to be pursued in residence, leading to a standard college
13 degree which includes, as an integral part thereof, subjects
14 offered through open circuit television.

15 “(d)(1) Except as provided in paragraph (2) of this
16 subsection, the Secretary shall not approve the enrollment
17 of any eligible veteran, not already enrolled, in any course
18 for any period during which the Secretary finds that more
19 than 85 percent of the students enrolled in the course are
20 having all or part of their tuition, fees, or other charges
21 paid to or for them by the educational institution or by
22 the Department of Veterans Affairs under this title or
23 under chapter 106 of title 10. The Secretary may waive
24 the requirements of this subsection, in whole or in part,
25 if the Secretary determines, pursuant to regulations which

1 the Secretary shall prescribe it to be in the interest of the
2 eligible veteran and the Federal Government. The provi-
3 sions of this subsection shall not apply to any course of-
4 fered by an educational institution if the total number of
5 veterans and persons receiving assistance under this chap-
6 ter or chapter 30, 31, 32, 34, 35, or 36 of this title or
7 under chapter 106 of title 10 who are enrolled in such
8 institution equals 35 percent or less, or such other per-
9 cent as the Secretary prescribes in regulations, of the total
10 student enrollment at such institution (computed sepa-
11 rately for the main campus and any branch or extension
12 of such institution), except that the Secretary may apply
13 the provisions of this subsection with respect to any course
14 in which the Secretary has reason to believe that the en-
15 rollment of such veterans and persons may be in excess
16 of 85 percent of the total student enrollment in such
17 course.

18 “(2) paragraph (1) of this subsection—

19 “(A) does not (except as provided in section
20 2141(c) of this title) apply with respect to the enroll-
21 ment of a veteran in a course offered pursuant to
22 subchapter V of this chapter;

23 “(B) does not apply with respect to the enroll-
24 ment of a veteran in a farm cooperative training
25 course; and

1 “(C) does not apply with respect to the enroll-
2 ment of a veteran in a course described in section
3 1789(b)(6) of this title.

4 **“§ 2123. Discontinuance of unsatisfactory conduct or**
5 **progress**

6 “The Secretary shall discontinue the educational as-
7 sistance allowance of an eligible veteran if, at any time,
8 the Secretary finds that according to the regularly pre-
9 scribed standards and practices of the educational institu-
10 tion, the veteran’s attendance, conduct, or progress is un-
11 satisfactory. The Secretary may renew the payment of the
12 educational assistance allowance only if the Secretary
13 finds that—

14 “(1) the veteran will be resuming enrollment at
15 the same educational institution in the same pro-
16 gram of education and the educational institution
17 has both approved such veteran’s reenrollment and
18 certified it to the Department of Veterans Affairs; or

19 “(2) in the case of a proposed change of either
20 educational institution or program of education by
21 the veteran—

22 “(A) the cause of the unsatisfactory at-
23 tendance, conduct, or progress has been re-
24 moved;

1 “(B) the program proposed to be pursued
2 is suitable to the veteran’s aptitudes, interests,
3 and abilities; and

4 “(C) if a proposed change of program is
5 involved, the change meets the requirements for
6 approval under section 1791 of this title.

7 **“§ 2124. Education outside the United States**

8 “An eligible veteran may not enroll in any course at
9 an educational institution not located in a State unless
10 such course is pursued at an approved institution of higher
11 learning and the course is approved by the Secretary. The
12 Secretary may deny or discontinue educational assistance
13 under this chapter in the case of any veteran enrolled in
14 an institution of higher learning not located in a State
15 if the Secretary determines that such enrollment is not
16 in the best interest of the veteran or the Federal Govern-
17 ment.

18 “SUBCHAPTER IV—PAYMENTS TO ELIGIBLE
19 VETERANS; VETERAN-STUDENT SERVICES

20 **“§ 2130. Educational assistance allowance**

21 “(a) The Secretary shall, in accordance with the ap-
22 plicable provisions of this section and chapter 36 of this
23 title, pay to each eligible veteran who is pursuing a pro-
24 gram of education under this chapter an educational as-
25 sistance allowance to meet, in part, the expenses of the

1 veteran's subsistence, tuition, fees, supplies, books, equip-
2 ment, and other educational costs.

3 “(b) The educational assistance allowance of an eligi-
4 ble veteran pursuing a program of education, other than
5 a program exclusively by correspondence, at an edu-
6 cational institution shall be paid as provided in chapter
7 36 of this title.

8 **“§ 2131. Computation of educational assistance allow-**
9 **ances**

10 “(a)(1) Except as provided in subsection (b), (c), or
11 (g) of this section or section 1787 of this title, while pur-
12 suing a program of education under this chapter of half-
13 time or more, each eligible veteran shall be paid during
14 the period beginning on October 1, 1991, and ending on
15 September 30, 1993, the monthly educational assistance
16 allowance set forth in column II, III, IV, or V (whichever
17 is applicable as determined by the veteran's dependency
18 status) opposite the applicable type of program as shown
19 in column I:

“Column I	Column II	Column III	Column IV	Column V
Type of pro- gram	No dependents	One depend- ent	Two depend- ents	More than two dependents
Institutional training:				The amount in column IV, plus the following for each depend- ent in excess of two:
Full-time	\$777	\$925	\$1,054	\$66
Three-quar- ter time.	583	692	789	49
Half-time	389	463	528	35
Cooperative ..	629	735	836	48

1 “(2) With respect to the fiscal year beginning on Oc-
2 tober 1, 1993, the Secretary shall pay, in lieu of the rates
3 payable under paragraph (1) of this subsection, the
4 monthly rates payable under such paragraph and shall
5 provide a percentage increase in such rates equal to the
6 percentage by which the Consumer Price Index (all items,
7 United States city average, published by the Bureau of
8 Labor Statistics) for the 12-month period ending June 30,
9 1993, exceeds such Consumer Price Index for the 12-
10 month period ending June 30, 1992.

11 “(3) With respect to any fiscal year beginning on or
12 after October 1, 1994, the Secretary shall pay, in lieu of
13 the rates payable under paragraph (1) of this subsection,
14 the monthly rates payable under this subsection for the
15 previous fiscal year and shall provide, for any such fiscal
16 year, a percentage increase in such rates equal to the per-
17 centage by which—

18 “(A) the Consumer Price Index (all items,
19 United States city average) for the 12-month period
20 ending on June 30 preceding the beginning of the
21 fiscal year for which the increase is made, exceeds

22 “(B) such Consumer Price Index for the 12-
23 month period preceding the 12-month period de-
24 scribed in subparagraph (A).

1 “(4) A ‘cooperative’ program, other than a ‘farm co-
2 operative’ program, means a full-time program of edu-
3 cation which consists of institutional courses and alternate
4 phases of training in a business or industrial establish-
5 ment with the training in the business or industrial estab-
6 lishment being strictly supplemental to the institutional
7 portion.

8 “(b) The educational assistance allowance of an indi-
9 vidual pursuing a program of education—

10 “(1) while on active duty, or

11 “(2) on less than a half-time basis,

12 shall be computed at the rate of (A) the established
13 charges for tuition and fees which the institution requires
14 similarly circumstanced nonveterans enrolled in the same
15 program to pay, or (B) \$777 per month (or such rate as
16 adjusted pursuant to subsection (a)(2) of this section) for
17 a full-time course, whichever is the lesser. An individual’s
18 entitlement shall be charged for institutional courses on
19 the basis of the applicable monthly training time rate as
20 determined under section 1788 of this title.

21 “(c)(1) An eligible veteran who is enrolled in an edu-
22 cational institution for a ‘farm cooperative’ program con-
23 sisting of institutional agricultural courses prescheduled to
24 fall within 44 weeks of any period of 12 consecutive
25 months and who pursues such program on—

1 “(A) a full-time basis (a minimum of ten clock
2 hours per week or four hundred and forty clock
3 hours in such year prescheduled to provide not less
4 than eighty clock hours in any three-month period),

5 “(B) a three-quarter-time basis (a minimum of
6 7 clock hours per week), or

7 “(C) a half-time basis (minimum of 5 clock
8 hours per week), shall be eligible to receive an edu-
9 cational assistance allowance at the appropriate rate
10 provided in the table in paragraph (2) of this sub-
11 section, if such eligible veteran is concurrently en-
12 gaged in agricultural employment which is relevant
13 to such institutional agricultural courses as deter-
14 mined under standards prescribed by the Secretary.
15 In computing the foregoing clock hour requirements
16 there shall be included the time involved in field
17 trips and individual and group instruction sponsored
18 and conducted by the educational institution through
19 a duly authorized instructor of such institution in
20 which the veteran is enrolled.

21 “(2) The monthly educational assistance allowance of
22 an eligible veteran pursuing a farm cooperative program
23 under this chapter during the period beginning on October
24 1, 1991, and ending on September 30, 1993, shall be paid
25 as set forth in column II, III, IV, or V (whichever is appli-

- 1 cable as determined by the veteran's dependency status)
 2 opposite the basis shown in column I:

“Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
Full-time	\$629	\$735	\$836	The amount in column IV, plus the following for each dependent in excess of two: \$48
Three-quarter time.	472	551	627	37
Half-time	315	369	419	25

3 “(3) With respect to the fiscal year beginning on Oc-
 4 tober 1, 1993, the Secretary shall pay, in lieu of the rates
 5 payable under paragraph (2), the monthly rates payable
 6 under such paragraph and shall provide a percentage in-
 7 crease in such rates equal to the percentage by which the
 8 Consumer Price Index (all items, United States city aver-
 9 age, published by the Bureau of Labor Statistics) for the
 10 12-month period ending June 30, 1993, exceeds such
 11 Consumer Price Index for the 12-month period ending
 12 June 30, 1992.

13 “(4) With respect to any fiscal year beginning on or
 14 after October 1, 1994, the Secretary shall pay, in lieu of
 15 the rates payable under paragraph (2), the monthly rates
 16 payable under this subsection for the previous fiscal year
 17 and shall provide, for any such fiscal year, a percentage
 18 increase in such rates equal to the percentage by which—

19 “(A) the Consumer Price Index (all items,
 20 United States average) for the 12-month period end-

1 ing on the June 30 preceding the beginning of the
2 fiscal year for which the increase is made, exceeds.

3 “(B) such Consumer Price Index for the 12-
4 month period preceding the 12-month period de-
5 scribed in subparagraph (A).

6 “(d)(1) Notwithstanding the prohibition in section
7 2121 of this title prohibiting enrollment of an eligible vet-
8 eran in a program of education in which such veteran has
9 ‘already qualified,’ a veteran shall be allowed up to 6
10 months of educational assistance (or the equivalent thereof
11 in part-time assistance) for the pursuit of refresher train-
12 ing to permit such veteran to update such veteran’s knowl-
13 edge and skills and to be instructed in the technological
14 advances which have occurred in such veteran’s field of
15 employment during and since the period of such veteran’s
16 active military service.

17 “(2) A veteran pursuing refresher training under this
18 subsection shall be paid an educational assistance allow-
19 ance based upon the rate prescribed in the table in sub-
20 section (a)(1) or subsection (c)(2) of this section, which-
21 ever is applicable.

22 “(3) The educational assistance allowance paid under
23 the authority of this subsection shall be charged against
24 the period of entitlement the veteran has earned pursuant
25 to section 2110(a) of this title.

1 “(e) The educational assistance allowance of an eligi-
2 ble veteran pursuing an independent study program which
3 leads to a standard college degree shall be computed at
4 the rate provided in subsection (b) of this section. If the
5 entire training is to be pursued by independent study, the
6 amount of such veteran’s entitlement to educational as-
7 sistance under this chapter shall be charged in accordance
8 with the rate at which the veteran is pursuing the inde-
9 pendent study program but at not more than the rate at
10 which such entitlement is charged for pursuit of such pro-
11 gram on less than a half-time basis. In any case in which
12 independent study is combined with resident training, the
13 educational assistance allowance shall be paid at the appli-
14 cable institutional rate based on the total training time
15 determined by adding the number of semester hours (or
16 the equivalent thereof) of resident training to the number
17 of semesters hours (or the equivalent thereof) of independ-
18 ent study that do not exceed the number of semester hours
19 (or the equivalent thereof) required for the less than half-
20 time institutional rate, as determined by the Secretary, for
21 resident training. A veteran’s entitlement shall be charged
22 for a combination of independent study and resident train-
23 ing on the basis of the applicable monthly training time
24 rate as determined under section 1788 of this title.

1 “(f) The educational assistance allowance of an eligi-
2 ble veteran pursuing a course in part by open circuit tele-
3 vision shall be computed in the same manner that such
4 allowance is computed under subsection (e) of this section
5 for an independent study program.

6 “(g)(1) Subject to the provisions of paragraph (2) of
7 this subsection, the amount of the educational assistance
8 allowance paid to an eligible veteran who is pursuing a
9 program of education under this chapter while incarcer-
10 ated in a Federal, State, or local penal institution for con-
11 viction of a felony may not exceed such amount as the
12 Secretary determines, in accordance with regulations
13 which the Secretary shall prescribe, is necessary to cover
14 the cost of established charges for tuition and fees re-
15 quired of similar circumstanced nonveterans enrolled in
16 the same program and to cover the cost of necessary sup-
17 plies, books, and equipment, or the applicable monthly
18 educational assistance allowance prescribed for a veteran
19 with no dependents in subsection (a)(1) or (c)(2) of this
20 section or section 1787(b)(1) of this title, whichever is the
21 lesser. The amount of the educational assistance allowance
22 payable to a veteran while so incarcerated shall be reduced
23 to the extent that the tuition and fees of the veteran for
24 any course are paid under any Federal program (other

1 than a program administered by the Secretary) or under
2 any State or local program.

3 “(2) Paragraph (1) of this subsection shall not apply
4 in the case of any veteran who is pursuing a program of
5 education under this chapter while residing in a halfway
6 house or participating in a work-release program in con-
7 nection with such veteran’s conviction of a felony.

8 **“§ 2132. Approval of courses**

9 “An eligible veteran shall receive the benefits of this
10 chapter while enrolled in a course of education offered by
11 an educational institution only if such course is approved
12 in accordance with the provisions of subchapter I of chap-
13 ter 36 of this title.

14 **“§ 2133. Apprenticeship or other on-job training; cor-
15 response courses**

16 “Any eligible veteran may pursue a program of ap-
17 prenticeship or other on-job training or a program of edu-
18 cation exclusively by correspondence and be paid an edu-
19 cational assistance allowance or training assistance allow-
20 ance, as applicable, under the provisions of section 1787
21 or 1786 of this title.

22 **“§ 2134. Work-study allowance**

23 “(a)(1) Individuals utilized under the authority of
24 subsection (b) of this section shall be paid an additional
25 educational assistance allowance (hereafter referred to as

1 'work-study allowance'). Such work-study allowance shall
2 be paid in an amount equal to the applicable hourly mini-
3 mum wage times the number of hours worked during the
4 applicable period, in return for such individual's agree-
5 ment to perform services, during or between periods of en-
6 rollment, aggregating not more than a number of hours
7 equal to 25 times the number of weeks in the semester
8 or other applicable enrollment period, required in connec-
9 tion with (1) the out-reach services program under sub-
10 chapter IV of chapter 3 of this title as carried out under
11 the supervision of a Department of Veterans Affairs' em-
12 ployee, (2) the preparation and processing of necessary pa-
13 pers and other documents at educational institutions or
14 regional offices or facilities of the Department of Veterans
15 Affairs, (3) the provision of hospital and domiciliary care
16 and medical treatment under chapter 17 of this title, (4)
17 any other activity of the Department of Veterans Affairs
18 as the Secretary shall determine appropriate, or (5) in the
19 case of an individual who is receiving educational assist-
20 ance under chapter 106 of title 10, activities relating to
21 the administration of such chapter at Department of De-
22 fense facilities. An individual shall be paid in advance an
23 amount equal to 40 percent of the total amount of the
24 work-study allowance agreed to be paid under the agree-

1 ment in return for the individual's agreement to perform
2 the number of hours work specified in the agreement.

3 “(2) For the purposes of paragraph (1) of this sub-
4 section, the term ‘applicable hourly minimum wage’ means
5 (A) the hourly minimum wage under section 6(a) of the
6 Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)),
7 or (B) the hourly minimum wage under comparable law
8 of the State in which the services are to be performed,
9 if such wage is higher than the wage referred to in clause
10 (A) and the Secretary has made a determination to pay
11 such higher wage.

12 “(b) Notwithstanding any other provision of law, the
13 Secretary shall utilize, in connection with the activities
14 specified in subsection (a)(1) of this section, the service
15 of individuals who are pursuing programs of rehabilita-
16 tion, education, or training under chapter 30, 31, 32, or
17 34 of this title or chapter 106 of title 10, at a rate equal
18 to at least three-quarters of that required of a full-time
19 student. In carrying out this section, the Secretary, wher-
20 ever feasible, shall give priority to veterans with disabil-
21 ities rated at 30 percent or more for purposes of chapter
22 11 of this title. In the event an individual ceases to be
23 at least three-quarter-time student before completing such
24 agreement, the individual may, with the approval of the
25 Secretary, be permitted to complete such agreement.

1 “(c) The Secretary shall determine the number of in-
2 dividuals whose services the Department of Veterans Af-
3 fairs can effectively utilize and the types of services that
4 such individuals may be required to perform, on the basis
5 of a survey, which the Secretary shall conduct annually,
6 of each Department of Veterans Affairs regional office in
7 order to determine the numbers of individuals whose serv-
8 ices can effectively be utilized during an enrollment period
9 in each geographical area where Department of Veterans
10 Affairs’ activities are conducted, and shall determine
11 which individuals shall be offered agreements under this
12 section in accordance with regulations which the Secretary
13 shall prescribe, including as criteria (a) the need of the
14 individual to augment the individual’s educational assist-
15 ance or subsistence allowance; (2) the availability to the
16 individual of transportation to the place where the individ-
17 ual’s services are to be performed; (3) the motivation of
18 the individual; and (4) in the case of a disabled veteran
19 pursuing a course of vocational rehabilitation under chap-
20 ter 31 of this title, the compatibility of the work assign-
21 ment to the veteran’s physical condition.

22 “(d) While performing the services authorized by this
23 section, individuals shall be deemed employees of the Unit-
24 ed States for the purposes of the benefits of chapter 81

1 of title 5 but not for the purposes of laws administrated
2 by the Office of Personnel Management.

3 “SUBCHAPTER V—SPECIAL ASSISTANCE FOR
4 THE EDUCATIONALLY DISADVANTAGED

5 **“§ 2140. Purpose**

6 “It is the purpose of this subchapter (1) to encourage
7 and assist veterans who have academic deficiencies to at-
8 tain a high school education or its equivalent and to qual-
9 ify for and pursue courses of higher education, (2) to as-
10 sist eligible veterans to pursue postsecondary education
11 through tutorial assistance where required, and (3) to en-
12 courage educational institutions to develop programs
13 which provide special tutorial, remedial, preparatory, or
14 other educational or supplementary assistance to such vet-
15 erans.

16 **“§ 2141. Elementary and secondary education and**
17 **preparatory educational assistance**

18 “(a) In the case of any eligible veteran who—

19 “(1) has not received a secondary school di-
20 ploma (or an equivalency certificate), or

21 “(2) is not on active duty and who, in order to
22 pursue a program of education for which the veteran
23 would otherwise be eligible, needs refresher courses,
24 deficiency courses, or other preparatory or special
25 educational assistance to qualify for admission to an

1 appropriate educational institution, the Secretary
2 may, without regard to so much of the provisions of
3 section 2121 of this title as prohibit the enrollment
4 of an eligible veteran in a program of education in
5 which the veteran is 'already qualified', approve the
6 enrollment of such veteran in an appropriate course
7 or courses or other special educational assistance
8 program.

9 “(b)(1) The Secretary shall pay to an eligible veteran
10 pursuing a course or courses or program pursuant to sub-
11 section (a)(2) of this section, an educational assistance al-
12 lowance as provided in sections 2130 and 2131 (a) or (b)
13 of this title.

14 “(2) The Secretary shall pay to an eligible veteran
15 described in subsection (a)(1) of this section who is pursu-
16 ing a course or courses or program under this subchapter
17 for the purpose of attaining a secondary school diploma
18 (or an equivalency certificate) an educational assistance
19 allowance (A) at the rate of established charges for tuition
20 and fees required of similarly circumstanced nonveterans
21 enrolled in the same course, courses, or program, or (B)
22 at the institutional full-time rate provided in section
23 2131(a) of this title, whichever is the lesser.

24 “(c) The provisions of section 2122(d)(1) of this title,
25 relating to the disapproval of enrollment in certain

1 courses, shall be applicable to the enrollment of an eligible
2 veteran who, while serving on active duty, enrolls in one
3 or more courses under this subchapter for the purpose of
4 attaining a secondary school diploma (or an equivalency
5 certificate).

6 **“§ 2142. Tutorial assistance**

7 “(a) In the case of any eligible veteran who—

8 “(1) is enrolled in and pursuing a postsecond-
9 ary course of education on a half-time or more basis
10 at an educational institution; and

11 “(2) has a deficiency in a subject required as
12 a part of, or which is prerequisite to, or which is in-
13 dispensable to the satisfactory pursuit of, an ap-
14 proved program of education, the Secretary may ap-
15 prove individual tutorial assistance for such veteran
16 if such assistance is necessary for the veteran to
17 complete such program successfully.

18 “(b) The Secretary shall pay to an eligible veteran
19 receiving tutorial assistance pursuant to subsection (a) of
20 this section, in addition to the educational assistance al-
21 lowance provided in section 2131 of this title, the cost of
22 such tutorial assistance in an amount not to exceed \$400
23 per month, for a maximum of twelve months, or until a
24 maximum of \$4,800 is utilized, upon certification by the
25 educational institution that—

1 “(1) the individualized tutorial assistance is es-
 2 sential to correct a deficiency of the eligible veteran
 3 in a subject required as a part of, or which is pre-
 4 requisite to, or which is indispensable to the satisfac-
 5 tory pursuit of, an approved program of education;

6 “(2) the tutor chosen to perform such assist-
 7 ance is qualified and is not the eligible veteran’s par-
 8 ent, spouse, child (whether or not married or over
 9 eighteen years of age), brother, or sister; and

10 “(3) the charges for such assistance do not ex-
 11 ceed the customary charges for such tutorial assist-
 12 ance.

13 **“§ 2143. Effect on educational entitlement**

14 “The educational assistance allowance or cost of indi-
 15 vidualized tutorial assistance authorized by this sub-
 16 chapter shall be paid without charge to any period of enti-
 17 tlement the veteran may have earned pursuant to section
 18 2110(a) of this title.

19 “SUBCHAPTER VI—GENERAL AND
 20 ADMINISTRATIVE PROVISIONS

21 **“§ 2151. Bar to duplication of educational assistance**
 22 **benefits**

23 “(a) An individual entitled to educational assistance
 24 under a program established by this chapter who is also
 25 eligible for educational assistance under a program under

1 chapter 30, 31, 32, 34 or 35 of this title, under chapter
2 106 or 107 of title 10, or under the Hostage Relief Act
3 of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may
4 not receive assistance under two or more of such programs
5 concurrently but shall elect (in such form and manner as
6 the Secretary may prescribe) under which program to re-
7 ceive educational assistance.

8 “(b) A period of service counted for purposes of re-
9 payment under section 90 of the Department of Defense
10 Authorization Act, 1981 (10 U.S.C. 2141 note), of an edu-
11 cation loan may not also be counted for purposes of enti-
12 tlement to educational assistance under this chapter.

13 **“§ 2152. Allocation of administration and of program**
14 **costs**

15 “(a) Except to the extent otherwise specifically pro-
16 vided in this chapter, the educational assistance programs
17 established by this chapter shall be administered by the
18 Department of Veterans Affairs.

19 “(b) The payments for entitlement under this chapter
20 are hereby designated as incremental costs associated with
21 Operation Desert Storm. Except as provided in section 5
22 of the Desert Storm Servicemen’s Readjustment Act of
23 1991, payments for entitlement earned under this chapter
24 shall be made from funds appropriated to, or otherwise

1 available to, the Department of Veterans Affairs for the
2 payment of readjustment benefits.

3 **“§ 2153. Reporting requirement**

4 “(a) The Secretary shall submit to the Congress at
5 least once every two years a report on the operation of
6 the program provided for in this chapter.

7 “(b) The Secretary shall include in each report sub-
8 mitted under this section—

9 “(1) information concerning the level of utiliza-
10 tion of educational assistance and of expenditures
11 under this chapter; and

12 “(2) such recommendations for administrative
13 and legislative changes regarding the provision of
14 educational assistance under this chapter to mem-
15 bers of the Armed Forces and veterans as the Sec-
16 retary considers appropriate.

17 “(c) The first report by the Secretary under this sec-
18 tion shall be submitted not later than January 1, 1993.”.

19 (2) The table of chapters at the beginning of Part
20 III of title 38, United States Code, is amended by adding
21 the following new item:

“44. Persian Gulf War Educational Assistance Program ... 2101”.

22 (b) Chapter 44 of title 38, United States Code, as
23 added by subsection (a), shall take effect on the date of
24 enactment of this Act.

1 MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE

2 ADJUSTMENTS

3 SEC. 4. (a) Section 1411 of title 38, United States
4 Code, is amended—

5 (1) in subsection (a) by striking out “Except as
6 provided in subsection (c)” and by inserting in lieu
7 thereof “Except for an individual who is entitled to
8 basic educational assistance under chapter 44 of this
9 title, and except as further provided in subsection
10 (c)”.

11 (2) in subsection (b) by inserting “(1)” prior to
12 the text thereof, and by inserting the following new
13 paragraphs:

14 “(2)(A) The amount by which an individual’s basic
15 pay is reduced on or after August 1, 1990 pursuant to
16 paragraph (1) of this subsection shall be deemed to be
17 payable to such individual as readjustment assistance, and
18 shall be paid by the Secretary pursuant to regulations
19 which the Secretary shall prescribe.

20 “(B) In the event that an individual’s basic pay was
21 reduced prior to August 1, 1990 pursuant to paragraph
22 (1) of this subsection, and such individual subsequently
23 demonstrates that, for good cause shown, he or she was
24 unable to receive educational assistance under this chap-
25 ter, the Secretary shall pay to such individual as readjust-

1 ment assistance the amount by which such individual's
2 basic pay was reduced prior to such date. Payment under
3 this subparagraph shall be made by the Secretary pursu-
4 ant to regulations which the Secretary shall prescribe.

5 “(3) The authority provided by paragraph (1) of this
6 subsection to reduce basic pay shall terminate on the date
7 of enactment of the Desert Storm Servicepersons' Read-
8 justment Act of 1991. Notwithstanding the provisions of
9 subsection (c)(1) of this section, any individual who made
10 an election pursuant to such subsection not to receive edu-
11 cational assistance under this chapter shall be entitled to
12 such assistance: *Provided*, That the monthly rate of edu-
13 cational assistance to such an individual for an approved
14 program of education shall be reduced by an amount not
15 to exceed \$50 for an approved program pursued on a full-
16 time basis, or by proportionally lesser amounts for ap-
17 proved programs pursued on a less-than-full-time basis, as
18 determined by the Secretary pursuant to regulations that
19 shall be prescribed by the Secretary, until the cumulative
20 amount of such reduction in basic educational assistance
21 paid to such individual totals that amount by which such
22 individual's basic pay would have been reduced prior to
23 August 1, 1990, had such individual not made such elec-
24 tion pursuant to subsection (c)(1) of this section.”.

1 (3) in subsection (c)(1) by adding at the end
2 the following new sentences: “The provisions of this
3 paragraph shall not apply to an individual who ini-
4 tially enters on active duty as a member of the
5 Armed Forces on or after August 2, 1990. Any indi-
6 vidual who initially enters on active duty as a mem-
7 ber of the Armed Forces on or after August 2, 1990,
8 shall be deemed to have elected to receive edu-
9 cational assistance under this chapter.”.

10 (b) Section 1412 of title 38, United States Code, is
11 amended—

12 (1) in subsection (a) by striking out “Except as
13 provided in subsection (d)” and by inserting in lieu
14 thereof “Except for an individual who is entitled to
15 basic educational assistance under chapter 44 of this
16 title, and except as further provided in subsection
17 (d)”.

18 (2) in subsection (c) by inserting “(1)” prior to
19 the text thereof, and by inserting the following new
20 paragraphs:

21 “(2)(A) The amount by which an individual’s basic
22 pay is reduced on or after August 1, 1990 pursuant to
23 paragraph (1) of this subsection shall be deemed to be
24 payable to such individual as readjustment assistance, and

1 shall be paid by the Secretary pursuant to regulations
2 which the Secretary shall prescribe.

3 “(B) In the event that an individual’s basic pay was
4 reduced prior to August 1, 1990 pursuant to paragraph
5 (1) of this subsection, and such individual subsequently
6 demonstrates that, for good cause shown, he or she was
7 unable to receive educational assistance under this chap-
8 ter, the Secretary shall pay to such individual as readjust-
9 ment assistance the amount by which such individual’s
10 basic pay was reduced prior to such date. Payment under
11 this subparagraph shall be made by the Secretary pursu-
12 ant to regulations which the Secretary shall prescribe.

13 “(3) The authority provided by paragraph (1) of this
14 subsection to reduce basic pay shall terminate on the date
15 of enactment of the Desert Storm Servicepersons’ Read-
16 justment Act of 1991. Notwithstanding the provisions of
17 subsection (d)(1) of this section, any individual who made
18 an election pursuant to such subsection not to receive edu-
19 cational assistance under this chapter shall be entitled to
20 such assistance: *Provided*, That the monthly rate of edu-
21 cational assistance to such an individual for an approved
22 program of education shall be reduced by an amount not
23 to exceed \$50 for an approved program pursued on a full-
24 time basis, or by proportionally lesser amounts for ap-
25 proved programs pursued on a less-than-full-time basis, as

1 determined by the Secretary pursuant to regulations that
2 shall be prescribed by the Secretary, until the cumulative
3 amount of such reduction in basic educational assistance
4 paid to such individual totals that amount by which such
5 individual's basic pay would have been reduced prior to
6 August 1, 1990, had such individual not made such elec-
7 tion pursuant to subsection (d)(1) of this section.”.

8 (3) in subsection (d)(1) by adding at the end
9 the following new sentences: “The provisions of this
10 paragraph shall not apply to an individual who ini-
11 tially enters on active duty as a member of the
12 Armed Forces on or after August 2, 1990. Any indi-
13 vidual who initially enters on active duty as a mem-
14 ber of the Armed Forces on or after August 2, 1990,
15 shall be deemed to have elected to receive edu-
16 cational assistance under this chapter.”.

17 (c) Section 1413 of title 38, United States Code, is
18 amended by amending subsection (c) to read as follows:

19 “(c) Subject to section 1795 of this title, each individ-
20 ual entitled to basic educational assistance under section
21 1418 of this title shall be entitled to 36 months of edu-
22 cational assistance under this chapter (or the equivalent
23 thereof in part-time educational assistance).”.

24 (d) Section 1415 of title 38, United States Code, is
25 amended—

4 (2) in subsection (f)(2) by striking out “may”
5 each time it appears and inserting in lieu thereof
6 “shall”; and

(3) in subsection (f)(3) by striking out “may”
each time it appears and inserting in lieu thereof
“shall”.

10 (e) Section 2131 of title 38, United States Code, is
11 amended—

(1) in subsection (b)(2)(A) by striking out
“\$190, \$143, and \$95” and inserting in lieu thereof
“\$377, \$284, and \$189”;

15 (2) in subsection (b)(2)(B) by striking out
16 “may” each time it appears and by inserting in lieu
17 thereof “shall”; and

18 (3) in subsection (b)(2)(C) by striking out
19 “may” each time it appears and by inserting in lieu
20 thereof “shall”.

21 AUTHORIZATION OF APPROPRIATIONS FROM DEFENSE

22 COOPERATION ACCOUNT

SEC. 5. (a) AUTHORIZATION.—There is hereby au-
thorized to be appropriated from the Defense Cooperation
Account such sums as may be necessary for payment in
fiscal years 1992 through 1995 of the costs of educational

1 assistance programs established in chapter 44 of title 38,
2 United States Code.

3 (b) INCREMENTAL COSTS ASSOCIATED WITH
4 DESERT STORM.—Notwithstanding the requirement of
5 Presidential designation in section 251(b)(2)(D)(i) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985, the educational assistance benefits described in sub-
8 section (a) of this section are hereby designated as incre-
9 mental costs associated with Operation Desert Storm, and
10 as such are costs referred to in section 251(b)(2)(D)(ii)
11 of the Balanced Budget and Emergency Deficit Control
12 Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

13 COORDINATION WITH OTHER VETERANS' EDUCATION AND
14 TRAINING PROGRAMS

15 SEC. 6. (a) Section 708 of title 10, United States
16 Code, is amended in subsection (e) by striking out “chap-
17 ter 30” and inserting in lieu thereof “chapter 30 or 44”.

18 (b) Section 135 of title 26, United States Code, is
19 amended in subparagraph (d)(1)(B) by striking out
20 “chapter 30, 31, 32, 34 or 35” and inserting in lieu there-
21 of “chapter 30, 31, 32, 34, 35 or 44”.

22 (c) Section 113 of title 38, United States Code, is
23 amended in subsection (c)(2) by striking out “or 36” and
24 inserting in lieu thereof “36, or 44”.

25 (d) Section 1508(f)(1) of title 38, United States
26 Code, is amended—

1 (1) in subparagraph (A)—

2 (A) by striking out “chapter 30 or 34” and
3 inserting in lieu thereof “chapter 30, 34 or 44”;
4 and

5 (B) by striking out “chapter 30 or chapter
6 34” and inserting in lieu thereof “chapter 30,
7 chapter 34, or chapter 44”; and

8 (2) in subparagraph (B), by striking out “30 or
9 34” and inserting in lieu thereof “30, 34 or 44”.

10 (e) The third sentence of section 1673(d)(1) of title
11 38, United States Code is amended by striking out “or
12 36” and inserting in lieu thereof “36, or 44”.

13 (f) Section 1685 of title 38, United States Code, is
14 amended in subsection (b) by striking out “chapter 30,
15 31, 32 or 34” and inserting in lieu thereof “chapter 30,
16 31, 32, 34 or 44”.

17 (g) Section 1774 of title 38, United States Code, is
18 amended in subsection (a)(1) by striking out “chapter 30
19 through 35” and inserting in lieu thereof “chapter 30
20 through 35 and chapter 44”.

21 (h) Section 1781 of title 38, United States Code is
22 amended—

23 (1) in subsection (a) by striking out “or 36”
24 and by inserting “36, or 44” in lieu thereof; and

1 (2) in subsection (b)(1) by striking out “and
2 36,” and inserting in lieu thereof “36, or 44”.

3 (i) Section 1784 of title 38, United States Code, is
4 amended in subsection (c) by striking out “chapter 31,
5 34 or 35” and inserting in lieu thereof “chapter 31, 34,
6 35 or 44”.

7 (j) Section 1790(b)(3) of title 38, United States
8 Code, is amended in subparagraph (A) by striking out
9 “chapter 30, 32, 34, or 35” and inserting in lieu thereof
10 “chapter 30, 32, 34, 35 or 44”.

11 (k) Section 1792 of title 38, United States Code, is
12 amended in subsection (a) by striking out “or 35” and
13 inserting in lieu thereof “35, or 44”.

14 (l) Section 1793 of title 38, United States Code, is
15 amended—

16 (1) in subsection (a) by striking out “chapters
17 30 through 36” and inserting in lieu thereof “chap-
18 ters 30 through 36 and 44”; and

19 (2) in subsection (b) by striking out “chapters
20 30 through 36” and inserting in lieu thereof “chap-
21 ters 30 through 36 and 44”.

22 (m) Section 1795(a) of title 38, United States Code,
23 is amended by striking out “and 36,” in clause (4) and
24 inserting in lieu thereof “36, and 44”.

1 (n) Section 1797 of title 38, United States Code, is
 2 amended in subsection (a) by striking out “chapter 30,
 3 32, 34 or 35” and inserting in lieu thereof “chapter 30,
 4 32, 34, 35 or 44”.

5 (o) Section 3013 of title 38, United States Code, is
 6 amended by striking out “and 35” and inserting in lieu
 7 thereof “35, and 44”.

8 (p) Section 3103A of title 38, United States Code,
 9 is amended in subsection (b)(3)(F) by striking out “chap-
 10 ter 30” and inserting in lieu thereof “chapter 30 or 44”.

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